

## REMARKS

Applicant respectfully requests the Examiner's reconsideration of the present application. No claims have been cancelled. Claims 1, 19, 37 and 40 have been amended. No new claims have been added. Therefore, claims 1-45 are presented for examination.

### **Claim Amendments**

Applicant has amended the claims to more particularly point out what Applicant regards as their invention. In particular, Applicant has amended the claims to clarify that the received digital images are submitted by a user. No new matter has been added as a result of these amendments.

### **Rejections Under 35 U.S.C. §102**

#### *DeLorme*

Claims 1-8, 14, 19-26, 32, 37-39, 40-43, and 45 stand rejected under 35 U.S.C. §102(e) as being anticipated by DeLorme et al., U.S. Patent No. 5,948,040 ("DeLorme"). Applicant respectfully submits, however, that the present claims are not anticipated by DeLorme.

DeLorme discloses a travel reservation and information system (TRIPS) that permits a user to custom-define and examine a travel route and/or plans. The TRIPS system may be accessed through kiosks or dedicated work stations at remote locations. DeLorme discloses that TRIPS travel information may be sent to a user in a moving car or a remote place by wireless communication.

Independent claims 1, 19, 37 and 40, as amended, each include the limitations of receiving digital images submitted by a user from an electronic device controlled by the user, and processing the submitted digital images to associate the digital images with a category on a displayed geographical map. Applicant respectfully submits that DeLorme does not disclose these limitations. The TRIPS system provides graphical information to a user through the Internet or a direct connection to a TRIPS facility; however, DeLorme does not disclose that the TRIPS system is capable of receiving digital images submitted by a user. Therefore, DeLorme does not disclose either

receiving digital images submitted by a user or processing the submitted digital images to associate the digital images with a category on a displayed geographical map, as claimed. Accordingly, Applicant respectfully submits that independent claims 1, 19, 37 and 40, and claims 2-8, 14, 20-26, 32, 38-39, 41-43 and 45 that depend from them, are not anticipated by DeLorme under 35 U.S.C. §102(e) and respectfully requests the withdrawal of the rejection of the claims.

### **Rejections Under 35 U.S.C. §103(a)**

#### *DeLorme in view of Ogilvie*

Claims 9, 10, 27, 28, and 44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over DeLorme in view of Ogilvie, U.S. Patent No. 6,343,738 (“Ogilvie”). Ogilvie only qualifies as prior art under 35 U.S.C. §102(e) because its issue date is after Applicant’s filing date. Accordingly, Applicant hereby reserves the right to swear behind Ogilvie in the subsequent prosecution of the present application. Applicant respectfully submits that the present claims are patentable over the combination of DeLorme and Ogilvie.

Ogilvie discloses tools for transactions that involve digital goods. Digital content, such as an image, may be exchanged for payment through a broker or escrow facility.

Claims 9, 10, 27, 28, and 44 depend from independent claims 1, 19 and 40. Independent claims 1, 19 and 40, as amended, include the limitation of processing the user submitted digital images to associate the digital images with a category on a displayed geographical map. As discussed above, DeLorme does not teach or suggest this limitation. Applicant further submits that Ogilvie does not teach or suggest this limitation. Ogilvie is directed to brokering of digital content, and does not teach or suggest associating digital images submitted by a user with a category on a geographical map. Accordingly, Applicant respectfully submits that claims 9, 10, 27, 28, and 44 are patentable over the combination of DeLorme and Ogilvie and requests the withdrawal of the rejection of the claims under 35 U.S.C. §103(a).

*DeLorme in view of Ogilvie and Manolis*

Claims 11-13, 16-18, 29-31, and 34-36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over DeLorme in view of Ogilvie and Manolis et al., U.S. Patent No. 6,583,799 ("Manolis"). Manolis only qualifies as prior art under 35 U.S.C. §102(e) because its issue date is after Applicant's filing date. Accordingly, Applicant hereby reserves the right to swear behind Manolis in the subsequent prosecution of the present application. Applicant respectfully submits that the present claims are patentable over the combination of DeLorme, Ogilvie and Manolis.

Manolis discloses transmitting image data by dragging and dropping digital images on icons to deliver the images to predetermined groups of recipients.

Claims 11-13, 16-18, 29-31, and 34-36 depend from independent claims 1 and 19. Independent claims 1 and 19, as amended, include the limitation of processing the submitted digital images to associate the digital images with a category on a displayed geographical map. As discussed above, the combination of DeLorme and Ogilvie does not teach or suggest this limitation. Applicant further submits that Manolis does not teach or suggest this limitation. Manolis is directed to transmitting image data to groups of recipients, and does not teach or suggest associating digital images submitted by a user with a category on a geographical map, as claimed. Accordingly, Applicant respectfully submits that independent claims 11-13, 16-18, 29-31, and 34-36 are patentable over the combination of DeLorme, Ogilvie and Manolis, and requests the withdrawal of the rejection of the claims under 35 U.S.C. §103(a).

### Conclusion

Applicant respectfully submits that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome and the pending claims are in condition for allowance.

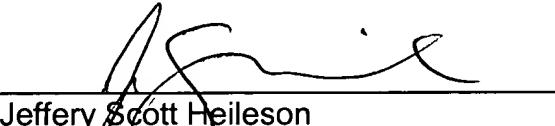
If the Examiner determines the prompt allowance of the claims could be facilitated by a telephone conference, the Examiner is invited to contact Scott Heileson at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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